IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

CRL.A.No. 424 of 1999()

ST.152/1994 of CHIEF JUDICIAL MAGISTRATE COURT, PATHANAMTHITTA

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APPELLANT: COMPLAINANT

GEORGE M.PHILIP
MUNDAIKKAL MEPPURATHU
KAVUMGUMPRAYER
PURAMATTAM.

BY ADV. SRI.BABU CHERUKARA

RESPONDENTS: ACCUSED

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1. Y.S.V.DATTA, 135/B 4TH BLOCK 6TH MAIN
   RAJAJI NAGAR, BANGALORE-10.

2. STATE OF KERALA
   REPRESENTED BY THE PUBLIC PROSECUTOR
   HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.424 of 1999

Dated this the 25th day of June, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act which stands dismissed and the accused stands acquitted as the complainant failed to take steps. The complaint was dismissed as the warrants were not returned.

2. I find that the order of the court below is totally unjustified. The same is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The appellant shall appear before the court below on 30.7.2007. The court below shall take fresh coercive steps against the accused.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl